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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,454	10/27/2005	Joop Dalstra	72998-012400	8653
7590 Charles Berman Greenberg Traurig 2450 Colorado Avenue Suite 400E Santa Monica, CA 90404			EXAMINER AZIZ, KETHI T	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 12/21/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/524,454

**Applicant(s)**

DALSTRA, JOOP

**Examiner**

KEITH T. AZIZ

**Art Unit**

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-15 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-15 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

1. Claims 13-15, and 19-22 are pending as amended on 9/19/2009, claims 1-12 having been previously withdrawn and claims 16-18 having been cancelled.
2. The objection of claims 17-22 under 37 CFR 1.75(c) as being in improper form is withdrawn.
3. The objection of the drawings, notably Figures 1-2, is withdrawn.
4. The rejection of claims 13 and 16 under 35 U.S.C. 102(b) as being anticipated by Dalstra et al. is withdrawn.
5. The rejection of claims 13 and 16 under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Chan A or Chan B is withdrawn.
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Response to Amendment and Arguments***

7. Applicant's arguments, see pages 7-8 of applicant's arguments, filed 8/19/2009, with respect to the rejection(s) of claim(s) 13 and 16 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly amended claims, as is seen in the statements below.
8. Applicant's arguments filed 8/19/2009 have been fully considered but they are not persuasive. If the either the filter of Abbasi or the thermometer of Johnston is used in conjunction with the processes of Chan A, Chan B, or Dalstra, then the measurement

means would implicitly be sensitive only to the radiation from the interior of the glass products - as the interior is the only source of near infrared radiation. See the rejection as written below.

***Claim Rejections - 35 USC § 103***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
10. Claims 13-15 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalstra in view of Abbasi.

Dalstra teaches a method for analyzing monitoring glass production where an infrared camera is used to capture the thermal image of a whole container (see the first column of page 136). Dalstra teaches that the thermal image is monitored on the hot end, prior to the cooling process (see the bottom of the first column on page 135). Dalstra further teaches that the average intensity values for different regions are determined (see the bottom of the second column of page 136), and that there are multiple measurement regions for each glass product measured (see Figure 4 on page 135). Dalstra teaches that the deviation from the average intensity is measured (see Figure 6), and that an error signal may be generated if any deviations outside a set value occur (see the second paragraph of page 137). Dalstra does not explicitly teach that the infrared camera is only sensitive to radiation in the near infra red region, or that the radiation originates from the interior wall of the glass products.

Abbasi teaches a dual wavelength thermal imaging system (see title and abstract). Abbasi teaches that a filter is placed in between a heat source and an infrared camera (see Figure 1). Abbasi further teaches that the placement of a filter may help to measure the interior surface temperature of a unit (see paragraph [0002]). Abbasi additionally teaches that the filter may allow radiation only in a range that includes the near infrared range, notably from 600-1100 nm. Since near infrared radiation essentially originates from the interior of the glass wall, the use of a filter that allows near infrared radiation will implicitly eliminate all radiation that does not originate from the interior of the glass wall. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the filter of Abbasi in the method of Dalstra. The rationale to do so would have been the motivation to ensure that the wavelengths absorbed are not distorted by other sources of infrared radiation (see paragraph [0019] of Abbasi).

With regards to claim 14, Abbasi teaches that the filter would only allow radiation in the range of 600-1100nm to pass through to the infrared camera (see claim 17 of Abbasi). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the filter of Abbasi in the method of Dalstra. The rationale to do so would have been the motivation to ensure that the wavelengths absorbed are not distorted by other sources of infrared radiation (see paragraph [0019] of Abbasi).

With regards to claim 15, Abbasi teaches that a filter is used in conjunction with an infrared camera (see Figure 1). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to include the filter of Abbasi in the method of Dalstra. The rationale to do so would have been the motivation to ensure that the wavelengths absorbed are not distorted by other sources of infrared radiation (see paragraph [0019 of Abbasi).

With regards to claim 19, Dalstra teaches that an error signal may be generated as long as set points are exceeded (see the first paragraph of page 137). Dalstra further teaches that an asymmetrical heat pattern may be indicative of deviating glass thickness that is more positive in one region and more negative in another (see item 5 in Figure 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the set points for the alarm negative in one direction and positive in another for different regions. The motivation to do so would have been the rationale to alert the user to the presence of a defective glass product.

With regards to claim 20, As IR radiation is proportional to energy, any positive deviation past a set point would generate an error signal, as taught by Dalstra (see the first paragraph of page 137).

With regards to claim 21, Dalstra teaches that a graph of intensity values of consecutive glass products is formed (see Figures 4-6), and that a cooling profile is developed based on the lingering time (see the third paragraph of page 137). Again, the machine generates error signals whenever values outside of a set range are reached (see the first paragraph of page 137).

With regards to claim 22, Dalstra teaches that local discontinuities are recorded (see Figures 3-5 of Dalstra).

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KEITH T. AZIZ** whose telephone number is (571)270-7658. The examiner can normally be reached on **Monday through Thursday 8:00am-6:30pm EST**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Katarzyna I. Wyrozebski** can be reached on (571)272-1127. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KTA/

/KHANH NGUYEN/  
Primary Examiner, Art Unit 1791